

Top Three Workers' Compensation Open Claims Involving Back Injury for the AAHA Business Insurance Program

Lifting a Fifty-six Pound Dog Renders Employee A Permanently Partially Disabled

Employee A lifted an unconscious fifty-six pound dog from a table. While moving the dog, Employee A experienced upper body pain. Employee A finished the task but the pain progressively worsened. Medical treatment was needed for injuries to the neck, back, bilateral shoulders, and bilateral elbows. An MRI revealed a tiny disc herniation with minimal mass effect. Two years later, Employee A started receiving active pain management and underwent nerve blocks. An updated MRI of the cervical spine confirmed the same minor herniation with degenerative changes; a discogram showed painful discs. Three months later (which is four years after lifting the unconscious dog), Employee A had cervical nucleoplasty with good results. The pain later returned and Employee A received multiple forms of injections for pain management. Employee A's medical provider advised that the condition is chronic and will require ongoing interventional treatments without any significant hope of a cure. Nearly eight years after lifting the unconscious fifty-six pound dog from a table, Employee A is currently unable to work and is classified as permanently partially disabled. The insurance company attempted to settle this claim on several occasions, but Employee A declined. Any settlement of this case now requires Medicare's approval. To date, The Hartford has paid more than \$200,000.

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Veterinarians to Benefit from Workers' Compensation Subrogation Change

Effective immediately, The Hartford will no longer subrogate your clients on workers' compensation claims when a patient causes employee injuries. **This is significant and a unique advantage to the AAHA Business Insurance Program.** The Hartford initiated this change because even though it is the insurance carrier's legal right to subrogate third parties for damages, The Hartford

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Back Injuries—Painful for the Injured Individual, Burdensome for all Involved

Prevent injuries through controls, guidelines, and training.

Some of the most costly workers' compensation claims are from back injuries. As you can see from the open claims in this newsletter, the injuries can be permanent, and the treatment and recovery can be lengthy.

In the AAHA Business Insurance Program, **seven of the top ten open workers' compensation claims involve overexertion or strain in lifting, which translates into incurred dollars (payments and reserves) of \$2 million.** This is significant. Furthermore, many loss control experts estimate the actual cost of an average back injury (including the indirect costs to your practice) to be four times the amount your insurance carrier incurs. Consider the hidden costs such as lost production, additional paper work, and employee hiring/training and how these costs adversely affect the profitability and efficiency of your practice.

So, how can you avoid back injuries at your practice when everyone who lifts animals is at risk? Implement controls and provide your employees with training and lifting guidelines.

Implement Controls

The best way to prevent back injuries is to implement the use of mechanical lifting devices or to complete the process safely without lifting. The use of lifting devices should significantly reduce the risk of back injury. Although these types of devices are beneficial, they may not be appropriate in all instances. If appropriate, use carts to minimize back stress.

Personal protective equipment such as gloves or footwear should be considered when appropriate. In some cases,

gloves may present more of a hazard by reducing the ability to grasp an object. Footwear with slip resistant soles and a wide base provide the best support; however, you should determine appropriate footwear on a case by case basis.

Also consider the use of back belts. Back belts reduce the muscle activity required to lift and increase the awareness of safe lifting practices. If back belts are used, training must be provided and periodically reinforced. Follow manufacturer guidelines.

Training

Here are five tips to implement training at your practice:

1. Explain the risk factors involved. (Consider the claims printed in this newsletter.)
2. Conduct hands-on demonstrations.
3. Include real-world situations in the training.
4. End the training session with a quiz or other test.
5. Periodically reinforce the training.

Ten Lifting Guidelines

1. Plan before you lift. Determine your route of travel and know where you will place the load before lifting the animal or object. If you have to step over objects or walk across slick surfaces, you may lose control.
2. Estimate the weight of the animal or object to be lifted and consider

Individual and Financially

and training

getting help if it's awkward or too heavy. A walk-through weight scale can be used to determine the weight of the animal prior to lifting. Also consider using a mechanical device. The time it takes to set-up and use the lifting device may be well worth it.

3. For a one-person lift, make sure you have a good grasp of the animal or object before you lift. If the animal becomes aggressive or kicks, consider other options. For a two-person lift, have one person give instructions for lifting, transporting, and setting the load down. Motions should be simultaneous.
4. Avoid lifting that begins below the knees and above the shoulders. These types of lifts can place additional stress on the musculoskeletal system.
5. When lifting, maintain good foot position and hold the animal or object close to the body. If practical, bend your knees (especially if the load is close to the ground) and keep your back as straight as possible. Ask yourself, "Does my body position feel right?" If not, don't lift and think of other alternatives.
6. Do not jerk the load when lifting and avoid twisting your back.
7. Avoid lengthy lifts.
8. When placing the load, keep the load close to your body and make sure there is sufficient room for the animal or object.
9. Maintain good physical condition. Strong abdominal muscles will help support your back.
10. Review these guidelines regularly.

Assistants, technicians, and veterinarians alike are at-risk for back injuries. Make it a priority at your practice to implement controls and provide training and lifting guidelines.

Open claims continued from page one

Initial Back Injury Re-aggravated; Employee B Still in Pain

Employee B and a coworker were lifting a large dog into a tub when Employee B experienced cervical pain. The injury was then aggravated when Employee B groomed another dog. Employee B has not been able to return to work since 2002 and continues to receive pain medication. The indemnity was settled last year. The claim will remain open until medical treatment ceases. (It cannot be settled due to state regulations. To date, The Hartford has paid more than \$300,000.

Dog Lifting Leads to Two Back Surgeries

Employee C lifted a dog onto a stretcher and sustained a back injury. Employee C required two back surgeries. About two and half years later, Employee C returned to work part-time with restrictions on lifting and carrying. Currently, Employee C's treatment consists of follow-up visits, therapy, and injections. There is the possibility of a third surgery to remove the hardware from prior surgeries. Employee C is expected to have permanent restrictions on lifting and carrying. The Hartford continues to pay indemnity and medical payments.



Top Five Reasons to Move Your Property/Liability to the AAHA Business Insurance Program

- 1 **One seasoned claim account manager** at The Hartford, Barbara Spear, oversees all business insurance claim activity. Barbara uses an integrated risk management approach that combines loss control, claim, and underwriting resources to help you avoid claims and control claims costs when injuries and losses do occur.
- 2 **Group buying power and leverage** generates better pricing and products for you, such as an exclusive rating structure and enhanced blanket coverage limit for property/liability.
- 3 Our package program offers coverage for **damage to your property and contents caused by animals**, which is typically excluded from a standard policy.
- 4 Mobile practitioners have access to the **mobile loss of income and extra expense** endorsement. This responds when your vehicle is out of service due to a covered loss and reimburses you for income lost while the vehicle is being repaired or replaced.
- 5 The AAHA Business Insurance Program offers a **comprehensive portfolio** including flood (with preferred rates), commercial auto, employment practices liability (with an optional punitive damage sublimit), builders risk, ERISA bonds, and umbrella.

To learn more or to request a coverage evaluation, call the AAHA Business Insurance Program at 866-380-2242 extension 4699.



Workers' Compensation Subrogation Change continued from page one

realized that this industry philosophy does not work for the veterinary profession—it only causes bad feelings between you and your clients. So the next time your client's pet bites and injures an employee, you can rest assured that your insurance carrier will not pursue subrogation with the person responsible for the "biter," i.e. your client. *Please note that The Hartford will pursue subrogation if the injured worker files a third party civil action directly against an animal owner.*

AAHA Business Insurance Program

Call 866-380-AAHA (2242) today for a coverage evaluation.

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